

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: George K. Wai

Serial No.: 08/689,193

Examiner: P. Chin

Filed: August 8, 1996

Art Unit: 1731

Docket No.: Case 5404

Title: PITCH CONTROL COMPOSITIONS

**SUPPLEMENTAL PETITION TO REVIVE AN ABANDONED APPLICATION  
UNDER 37 U.S.C. §1.137 (b)**Via Facsimile: 703-308-6916

Attn: Office of Petitions

Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

FAX RECEIVED

JAN 30 2003

PETITIONS OFFICE

Dear Sir:

This is a petition to revive an abandoned application under 37 C.F.R. §1.137 (b). Applicants were sent a Notice of Abandonment on November 20, 1998 informing Applicants that the issue fee for the application was not paid. Applicants filed a Petition to Revive the application on December 7, 1998. The Petition was faxed to the United States Patent and Trademark Office and also sent by regular mail. A copy of this Petition is enclosed.

A follow-up to the Petition to Revive was evidently not placed on the Attorney's docket handling this matter for Applicant. Applicant's attorney discovered that the Petition to Revive had never been acted on when he was reviewing the file after he received some correspondence on January 22, 2003 from a Canadian associate, who was handling the Canadian counterpart application.

-2-

Applicants' attorney states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

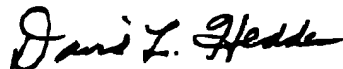
Applicants authorize the Commissioner to charge deposit account 01-2530 in the amount \$1,240.00, which is the fee charged to revive an unintentionally abandoned application.

Applicants further authorize the Commissioner to charge deposit account 01-2530 in the amount of \$1,320.00, which is the issue fee due.

Although it is believed that no additional fees are due, the Commissioner of Patents and Trademarks is authorized to charge deposit account 01-2530 for any fees due in connection with this petition and reviving the application, including any extensions of time.

It is not believed that a terminal disclaimer is required in this situation, since the patent application was filed after June 8, 1995, and the term of the patent will expire twenty years from the date the application was filed.

Respectfully submitted,



David L. Hedden

Attorney for Applicants  
Reg. No. 29,388

Ashland Inc.  
P.O. Box 2219  
Columbus, Ohio 43216

Phone: (614) 790-4265  
Fax: (614) 790-4268  
e-mail: dlhedden@ashland.com

January 30, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: George K. Wai

Serial No.: 08/689,193

Examiner: P. Chin

Filed: August 8, 1996

Art Unit: 1303

Docket No.: Case 5404

**FAX RECEIVED**

**JAN 30 2003**

Title: PITCH CONTROL COMPOSITION

**PETITIONS OFFICE**

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 U.S.C. §1.137 (b)**

Via Facsimile: 703-305-8825

Attn: Office of Petitions

Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

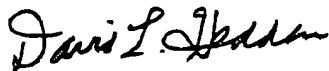
Dear Sir:

This is a petition to revive an unintentionally abandoned application. A Notice of Abandonment (copy enclosed) was sent to Applicants on November 20, 1998 informing Applicants that the issue fee for the application was not paid. Applicants' attorney reviewed his files and it appears that the case was mistakenly removed from his docket before the issue fee was paid. (A copy of the Notice to Pay Issue Fee is also enclosed.) The abandonment of this application was unintentional.

-2-

Please charge deposit account 01-2530 in the amount \$1,320.00 for payment of the issue fee and \$1,320.00 which is the fee charged revive an unintentionally abandoned application. Although it is believed that no additional fees are due, the Commissioner of Patents and Trademarks is authorized to charge deposit account 01-2530 for any fees due in connection with this petition and reviving the application.

Respectfully submitted,



David L. Hedden

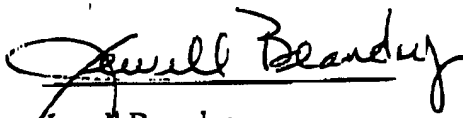
Attorney for Ashland Chemical Company  
Registration No. 29,388

Ashland Chemical Company  
P.O. Box 2219  
Columbus, Ohio 43216

Phone: (614) 790-4265  
Fax:: (614) 790-4268

### CERTIFICATE OF MAILING

I hereby certify that this PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 U.S.C. §1.137 (b) is being deposited with the United States Postal Service on December 7, 1998 with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

  
Jewell Beaudry


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/688,120 08-03/98 WAI

5404

 DAVID L. REDDEN  
ASHLAND CHEMICAL COMPANY  
P.O. BOX 2219  
COLUMBUS OH 43216

784 171120

EXAMINER

CHIN, P.

ART UNIT

PAPER NUMBER

1701 08

DATE MAILED:

FAX RECEIVED

11/20/98

**NOTICE OF ABANDONMENT**

JAN 30 2003

PATENT

NOV 30 1998

DEPT.

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on PETITIONS OFFICE.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☒ The issue fee has not been received.

- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.

- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

 Done Terry  
Approved by Branch  
JAN 30 2003


**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**
**PATENT**

JUN 22 1998

DEPT.

FAX RECEIVED

JAN 30 2003

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

IM3170618

DAVID L. HEDDEN  
 ASHLAND CHEMICAL COMPANY  
 P O BOX 2219  
 COLUMBUS OH 43216

PETITIONS OFFICE

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
107533-170	06/03/98	010	CHIN, P	1731 06/18/98
WAT. GEORGE H.				

First Named Applicant  
 PITCH CONTROL COMPOSITION  
 TITLE OF INVENTION

ATTYS DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
107533-170	182-048.000	P48	UTILITY	NO	\$1320.00	09/18/98

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.**  
**PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.  
 If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

YOUR COPY

\*\*\*\*\* -COMM -\*\*\*\*\* DATE DEC-07-1998 TIME 10:58 \*\*\* P.01

MODE = MEMORY TRANSMISSION

START=DEC-07 10:56

END=DEC-07 10:58

FILE NO. = 054

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-ASHLAND CHEMICAL LAW -

\*\*\*\*\* -614 790 4268 - \*\*\*\*\* 614 790 4268- \*\*\*\*\*



Law Department  
David L. Hedden  
Division Patent,  
Trademark and  
Copyright Counsel  
(614) 790-4265

Ashland Chemical Company  
Division of  
Ashland Inc.

Address Reply:  
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## TELECOPIER MESSAGE

DATE: December 7, 1998

FROM: David L. Hedden

SEND TO:

COMPANY: Box DAC  
Commissioner of Patents & Trademarks

AT FACSIMILE NO: 91 702 305 8825

CITY AND STATE/COUNTRY:

NO. PAGES INCLUDING COVER SHEET 5

IF YOU HAVE ANY QUESTIONS, PLEASE CALL:

Ashland Chemical Company  
Law Department  
Dublin, Ohio  
(614) 790-3945 - Jewell Beaudry  
Telecopy No.: (614) 790-4268 - Panafax 600

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Ashland Chemical's  
Commitment to

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A Responsible Choice

TOTAL P.07